

REMARKS

The present filing is responsive to the Office Action.

Summary of the Response

Claims 14, 15, 17-19, 24, 25 and 27-29 have been amended. Claims 1-13 have been canceled. New claims 33-37 have been added. Claims 14-37 remain pending in this application. Reexamination and reconsideration of the present application as amended are respectfully requested.

Allowable Subject Matter

Applicant appreciates the Examiner's indication of allowable subject matter in claims 18 and 27-29.

Claim Rejections Under 35 USC 102

Claims 14-16, 19-21, 23, 24 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuda et al. (US 6,262,783). Claims 19, 20, 22, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kataoka et al. (US 6,266,111). These claims are respectfully traversed.

Independent Claim 14

While Applicant does not agree with the rejection of claim 14, in the interest of forwarding the present application to early allowance, Applicant amended claim 14 to include the allowable subject matter of claim 18. The Examiner indicated in the office action that "the

prior art of record fails to disclose wherein said coating portion has chromium molybdenum oxide”. Accordingly, Applicant included such limitation of claim 18 into claim 14, without the limitations of intervening claims 15 and 16, which Applicant does not believe are necessary for distinguishing over the cited references.

In addition, Applicant has rewritten claims 27 and 28 into independent form, each including the limitations of base claim 14, without the limitations of intervening claim 15.

Accordingly, independent claims 14, 27 and 28, and all claims dependent therefrom, are patentable over the cited references.

Independent Claim 19

Applicant amended claim 19 to recite said sacrificial electrode and said first conductive portion are different portions formed from same layer on a substrate. Neither Tsuda nor Kataoka discloses first conductive portion and sacrificial electrode being different portions formed from same layer on a substrate. Given the Examiner’s interpretations of Tsuda and Kataoka, the alleged “sacrificial electrode” is on the “first conductive portion”. Accordingly, the “sacrificial electrode” and the “first conductive portion” in Tsuda and Kataoka are not formed from same layer on a substrate. In particular, the layer 423 is above the layers 213 and 214 in Tsuda, and the layer 13 is above layers 51 and 57 in Kataoka, which are clearly not layers formed from same layer on a substrate.

Accordingly, claim 19 and all its dependent claims are not anticipated by Tsuda and Kataoka.

Claim Rejections Under 35 USC 103

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuda ('783) as applied to claims 14-16, 19-21, 23, 24 and 30-32 above. Claims 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka et al. (US 6,266,111) in view of Tsuda ('783). These claims are respectfully traversed.

Given the traversal of base claims 14 and 19, the obviousness rejections are rendered moot.

New Claims

New claims 33-37 have been added to round out the coverage of the present invention. New independent claim 33 recites the structure illustrated in, for example, Fig. 23, wherein the insulating layer is below the first conductive portion. Applicant respectfully submits that claims 33-37 are not anticipated and not rendered obvious by the references of record.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. **The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.**

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or

to credit any overpayment to **Deposit Account No. 501288** referencing the attorney docket number of this application.

Respectfully submitted,

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